

## General Assembly

### **Amendment**

January Session, 2009

LCO No. 7895

## \*HB0643507895HD0\*

#### Offered by:

REP. SPALLONE, 36th Dist.

REP. ARESIMOWICZ, 30th Dist.

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To: Subst. House Bill No. **6435** File No. 553 Cal. No. 373

# "AN ACT CONCERNING ELECTION DAY REGISTRATION AND PRESIDENTIAL BALLOT PROCEDURES."

- Strike everything after the enacting clause and substitute the following in lieu thereof:
- "Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this section, "election day" means the day on which a regular election, as defined in section 9-1 of the general statutes or primary is held.
- 6 (b) Notwithstanding the provisions of chapter 143 of the general statutes, a person who (1) is not an elector, and (2) meets the eligibility requirements under subsection (a) of section 9-12 of the general statutes, may apply for admission as an elector on election day.

(c) (1) The registrars of voters shall have the authority to designate a location for the completion and processing of election day registration applications on election day, provided such location shall enable the registrars of voters to access the state-wide centralized voter registration system. Such registrars of voters may appoint one or more election officials to serve at such location and may delegate to such election officials any of the responsibilities assigned to the registrars of voters. The registrars of voters shall train and supervise such election day registration election officials. Any such location designated by the registrars of voters shall comply with section 9-168d of the general statutes and shall provide the same opportunity for access and participation, including privacy and independence, for all voters.

- (2) No person shall solicit in behalf of or in opposition to the candidacy of another or himself or in behalf of or in opposition to any question being submitted at the election or primary, or loiter or peddle or offer any advertising matter, ballot or circular to another person within a radius of seventy-five feet of any outside entrance in use as an entry to the registrars of voters designated location for election day registration balloting or in any corridor, passageway or other approach leading from any such outside entrance to such registrars of voters designated location or in any room opening upon any such corridor, passageway or approach.
- (d) Any such application shall be made in accordance with the provisions of section 9-20 of the general statutes, provided (1) on election day, the applicant shall appear in person at the location designated by the registrars of voters for election day registration, (2) an applicant who is a student enrolled at an institution of higher education may submit a current photo identification card issued by said institution in lieu of the identification required by section 9-20 of the general statutes, and (3) the applicant shall declare under oath that the applicant has not previously voted in the election or primary, as applicable. If the information that the applicant is required to provide under section 9-20 of the general statutes and this section does not include proof of the applicant's residential address, the applicant shall

also submit identification that shows the applicant's bona fide residence address, including, but not limited to, a United States passport, a learner's permit or a utility bill that has the applicant's name and current address and is due not later than thirty days after the election or primary, as applicable or, in the case of a student enrolled at an institution of higher education, a registration or fee statement from such institution that has the applicant's name and current address. The registrars of voters shall check the state-wide centralized voter registration system before admitting an applicant as an elector. If the registrars of voters determine that an applicant is qualified to register as an elector, the registrars of voters shall admit the applicant as an elector and privileges shall attach immediately.

(e) Notwithstanding the provisions of section 9-21 of the general statutes, in the event such applicant is an elector in another municipality and such applicant states that he or she wants to change the municipality in which the applicant is an elector, the registrars of voters of the municipality in which such elector now seeks to register shall immediately notify the registrars of voters in such other municipality that such elector is changing the municipality in which the applicant is an elector. The registrars of voters in such other municipality shall immediately notify the election officials in such other municipality to remove such elector from the official voter list of such other municipality. Such election officials shall cross through the elector's name on such official voter list and mark "off" next to such elector's name on such official voter list. If it is reported that such applicant already voted in such other municipality, the registrars of voters of such other municipality shall immediately notify the registrars of voters of the municipality in which such elector now seeks to register. In such event, such elector shall not receive an election day registration ballot from the registrars of voters of the municipality in which such elector now seeks to register. For any such elector, the election day registration process shall cease in the municipality in which such elector now seeks to register and such matter shall be reviewed by the registrars of voters in the municipality in which such

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elector now seeks to register. After completion of such review, if a resolution of the matter can not be made, such matter shall be reported to the State Elections Enforcement Commission which shall conduct an investigation of the matter.

- (f) If the applicant is admitted as an elector, the registrars of voters shall provide the elector with an election day registration ballot and security envelope, subject to the provisions of section 9-59, of the general statutes and shall make a record of such issuance. The elector shall complete an affirmation imprinted upon the back of the envelope for an election day registration ballot and shall declare under oath that the applicant has not previously voted in the election or primary, as applicable. The affirmation shall be in the form substantially as follows and signed by the voter:
- 91 AFFIRMATION: I, the undersigned, do hereby state, under penalty 92 of false statement, (perjury) that:
- 93 1. I am the person admitted here as an elector in the town indicated.
- 2. I am eligible to vote in the election or primary indicated for today in the town indicated.
- 96 3. The information on my voter registration card is correct and complete.
- 98 4. I reside at the address that I have given to the registrars of voters.
- 5. If previously registered at another location, I have provided such address to the registrars of voters and hereby request cancellation of such prior registration.
- 6. I have not voted in person or by absentee ballot and I will not vote otherwise than by this ballot at this election or primary.
- 7. I completed an application for an election day registration ballot and received an election day registration ballot.

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106 .... (Signature of voter)

(g) The elector shall forthwith mark the election day registration ballot in the presence of the registrars of voters in such a manner that the registrars of voters shall not know how the election day registration ballot is marked. The elector shall place the election day registration ballot in the election day registration ballot envelope provided, and deposit such envelope in a secured election day registration ballot depository receptacle. The registrars of voters shall transport such receptacle to the area where such election day registration ballots shall be counted. At the time designated by the registrars of voters and noticed to election officials, the election day registration ballots issued pursuant to this section shall be delivered to the area, either district or central, where absentee ballots are counted and such election day registration ballots shall be counted by the election officials present at such location. A section of the head moderators return shall show the number of election day registration ballots received from electors. The registrars of voters shall seal a copy of the votes cast on election day registration ballots in the depository envelope with the election day registration ballots and store such election day registration envelope with the other election results materials. The election day registration depository envelope shall be preserved by the registrars of voters for the period of time required to preserve counted ballots for elections.

- (h) The provisions of the general statutes and regulations concerning procedures relating to the custody, control and counting of absentee ballots shall apply as nearly as possible, to the custody, control and counting of election day registration ballots under this section.
- (i) After the acceptance of an election day registration, the registrars of voters shall forthwith send a registration confirmation notice to the residential address of each applicant who is admitted as an elector on election day under this section. Such confirmation shall be sent by first class mail with instructions on the envelope that it be returned if not

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deliverable at the address shown on the envelope. Notwithstanding

- the May first deadline contained in section 9-35 of the general statutes,
- if a confirmation notice is returned undelivered, the registrars of voters
- shall investigate and shall take the necessary action in accordance with
- sections 9-35 or 9-43 of the general statutes, as applicable.
- Sec. 2. Section 9-17 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):
- 146 (a) For the purposes of this section, "primary day" means the day 147 that a primary for state, district and municipal offices is being held in 148 accordance with section 9-423, and "election day" means the day of 149 each regular election. (1) The registrars of voters of each town shall 150 hold sessions to examine the qualifications of electors and admit those 151 found qualified on the dates and at the times set forth in this section. 152 Such sessions shall be held on the following days during the hours 153 indicated, except as provided in subdivision (2) of this subsection:

T1	Day	Hours
T2	Fourteenth day	
T3	before primary day	any two hours between
T4		5:00 p.m. and 9:00 p.m.
T5	Saturday of third week	
T6	before election day	10:00 a.m. to 2:00 p.m.
T7	Seventh day	
T8	before election day	9:00 a.m. to 8:00 p.m.

- The session of the registrars of voters on the seventh day before election day shall be the last regular session for the admission of electors prior to an election, as defined in subsection (y) of section 9-1. (2) No town having a population of less than twenty-five thousand persons shall be required to hold sessions for admission of electors on the fourteenth day before primary day.
- [(b) Notwithstanding the provisions of subsection (a) of this section,the registrars of voters shall hold a limited session on the last week day

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162 before each regular election from nine o'clock a.m. to twelve o'clock 163 noon for the purpose of admitting only those persons whose 164 qualifications as to age, citizenship or residence in the municipality 165 were attained after the last session for the admission of electors prior 166 to an election. The registrars shall enter the names of those electors 167 admitted at such limited session on the proper list, with their 168 residences by street and numbers, if any, before one o'clock p.m. of 169 such last week day before the election.]

- [(c)] (b) In addition to the sessions held pursuant to [subsections (a) and (b)] subsection (a) of this section, the registrars of voters in each town shall hold one session each year, between the first of January and the last day of the school year, at each public high school in such town, for the admission of persons who are eligible for admission under subsection (a) or (b) of section 9-12, provided, in the case of a public high school in a regional school district, such session shall be held on a rotating basis by the registrars of voters for each town which is a member of the regional school district. The registrars of voters need not give notice of this session by publication in a newspaper.
- Sec. 3. Section 9-158a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):
- 182 As used in sections 9-139c, 9-140b, 9-158a to 9-158m, inclusive, <u>as</u> amended by this act, and 9-307:
- (1) "Federal election" means any general or special election or any primary held solely or in part for the purpose of selecting, nominating or electing any candidate for the office of President, Vice President, presidential elector, member of the United States Senate or member of the United States House of Representatives;
  - (2) "Former resident" means a person who was a bona fide resident of a town in this state and who has [removed] moved from that town to another state less than thirty days before the day of a presidential election and who for that reason is unable to register to vote in the election in [his] such person's present town or state of residence;

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194 (3) "Overseas elector" means any person permitted to vote pursuant 195 to subsection (b) of section 9-158b;

- 196 (4) "Presidential election" means an election at which electors of 197 President and Vice-President are elected;
- 198 (5) "Resident" means a bona fide resident of a town in this state;
- 199 (6) "State" includes any of the several states, the District of 200 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin 201 Islands; and
- 202 (7) "United States" includes the several states, the District of 203 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin 204 Islands, but does not include American Samoa, The Canal Zone, the 205 trust territory of the Pacific Islands or any other territory or possession 206 of the United States.
- Sec. 4. Subsection (a) of section 9-158b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective* 209 October 1, 2009):
- (a) Each citizen of the United States who is at least eighteen years of age, is a [resident or] former resident and [who] has not forfeited [his] such citizen's electoral privileges because of a disfranchising crime, may vote for presidential and vice-presidential electors, but for no other offices, in the town in this state in which [he resides, or] such citizen formerly resided in the manner provided in sections 9-158c to 9-158m, inclusive, as amended by this act.
- Sec. 5. Subsections (a) and (b) of section 9-158c of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):
- (a) [(1)] Not earlier than forty-five days before the election and not later than the close of the polls on election day, each [resident, or] former resident who desires to vote in a presidential election under sections 9-158a to 9-158m, inclusive, as amended by this act, may apply

for a "presidential ballot" to the [municipal clerk] <u>registrars of voters</u> of the town in which [he] <u>such former resident</u> is qualified to vote on the form prescribed in section 9-158d, as amended by this act. Application for a "presidential ballot" may be made in person or absentee, in the manner provided for applying for an absentee ballot under section 9-140, except as provided in said sections 9-158a to 9-158m, inclusive, as

- 230 amended by this act.
- 231 [(2) A municipal clerk shall have the authority to designate a 232 location in a municipal facility for the distribution, completion and 233 processing of presidential ballot applications and the distribution, 234 casting and return of presidential ballots under sections 9-158a to 9-235 158m, inclusive, on election day. Such municipal clerk may appoint 236 one or more presidential ballot assistants to serve at such location, may 237 delegate to such assistants any of the responsibilities assigned to 238 municipal clerks under said sections, and shall train and supervise 239 such presidential ballot assistants.]
- 240 (b) Each overseas elector who desires to vote in a federal election 241 under subsection (b) of section 9-158b may apply for an overseas ballot 242 not earlier than (1) the forty-fifth day preceding a federal election 243 which is a general election or a general election held in conjunction 244 with a special election, and (2) the thirtieth day preceding a federal 245 election which is a primary or a federal election which is a special 246 election not held in conjunction with a general election. Application 247 shall be made to the town clerk of the municipality in which [he] the 248 <u>elector</u> is so qualified to vote on a form prescribed in subsection (b) of 249 section 9-158d.
- Sec. 6. Subsection (a) of section 9-158d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- (a) The application for a presidential ballot shall be a form signed in duplicate by the applicant under penalty of false statement in absentee balloting, which shall provide substantially as follows:

256 To the [Town Clerk] Registrars of Voters of the Town of ....,

- 257 Connecticut
- I, the undersigned, declare under penalty of false statement in
- absentee balloting that the following statements are true:
- 260 1. I am a citizen of the United States.
- 2. I have not forfeited my electoral privileges because of conviction
- of a disfranchising crime.
- 3. I was born on ...., and on the day of the next presidential election,
- 264 I shall be at least 18 years of age. [Check and complete 4 or 5,
- 265 whichever applies:]
- 266 [4. RESIDENT. I am a bona fide resident of the above town, to
- 267 which I am making this application, and I reside at .... Street. I moved
- 268 to said town on the .... day of ...., 20... Before becoming a resident of
- 269 said town, I resided at .... Street, in the Town of .... County of ...., State
- 270 of ....]
- [5. FORMER RESIDENT.] 4. I am a former resident of the above
- 272 town, to which I am making this application, and resided at .... Street
- 273 therein. I moved from such town to my present town and state of
- 274 residence on the .... day of ...., 20.., being within thirty days before the
- 275 date of the next presidential election, and for that reason I cannot
- 276 register to vote in said presidential election in my present town and
- 277 <u>state</u> of residence. I am now a bona fide resident of the Town of ...., in
- 278 the state of ...., now residing at .... Street therein.
- [6.] 5. I hereby apply for a "presidential ballot" for the election to be
- 280 held on ...., 20... I have not voted and will not vote otherwise than by
- 281 this ballot at that election. I am not eligible to vote for electors of
- 282 President and Vice-President [in any other town in Connecticut or] in
- any other state.
- [7.] <u>6.</u> The said ballot is to be given to me personally mailed to me at

285 .... (bona fide mailing address)

286 Dated at ...., this .... day of .... 20...

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- 287 .... (Signature of applicant)
- Sec. 7. Subsection (a) of section 9-158e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
  - (a) A person applying for a presidential ballot in person shall present: (1) A current and valid photo identification, or (2) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. The application for a presidential ballot by mail shall be accompanied by: (A) A copy of a current and valid photo identification, or (B) a copy of a current utility bill, bank statement, government check, paycheck or government document that shows the name and address of the voter. Upon receipt of an application for a presidential ballot under sections 9-158a to 9-158m, inclusive, as amended by this act, the [clerk] registrars of voters, if satisfied that the application is proper and that the applicant is qualified to vote under said sections, shall forthwith give or mail to the applicant, as the case may be, a ballot for presidential and vice-presidential electors for use at the election and instructions and envelopes for its return. [At such time the clerks shall also mail a duplicate of the application to the appropriate official of (i) the state or the town in this state in which the applicant last resided in the case of an applicant who is a resident, or (ii) the state or the town in this state in which the applicant now resides in the case of an applicant who is a former resident.]
- Sec. 8. Section 9-158f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):
- 313 (a) The voter, after marking his <u>or her</u> presidential ballot so as to 314 express his <u>or her</u> choice, shall fold it so as to conceal the markings,

and enclose it in an inner envelope furnished by the [town cle	rk]	
l6 <u>registrars of voters</u> for such purpose. The envelope shall ha	ıve	
imprinted upon its back a statement which shall be signed by	the	
voter. The failure of the voter to date the statement shall not invalid	ate	
the ballot. Such statement shall be substantially as follows:		
20 Certification of Presidential Voter		
I, the undersigned, do hereby state under the penalties of fa	lse	
statement in absentee balloting that:		
23 (1) I am qualified to vote for Presidential and Vice-President	tia	
electors in the town of Connecticut, at the presidential election to be		
held on November, 20		
(2) I have not applied, nor do I intend to apply, for a ballot to vo	ote	
for Presidential and Vice-Presidential electors at said election from any		
other town, city, county or state, and		
(3) I have not voted, and I will not vote otherwise than by this bal	lo	
in said presidential election.		
Dated at, this day of 20		
(Signature of vot	:er)	
(b) The overseas elector, after marking his <u>or her</u> overseas ballot	sc	
as to express his <u>or her</u> choice, shall fold it so as to conceal to	the	
markings and enclose it in an inner envelope furnished by the to-	wr	
clerk for such purpose. The envelope shall have imprinted upon it		
back a statement which shall be signed by the elector. The failure of th		
elector to date the statement shall not invalidate the ballot. Th		
statement shall be substantially as follows:		
Certification of Overseas Elector		
I, the undersigned, do hereby state under the penalties of fa	lse	

- 342 statement in absentee balloting that:
- 343 (1) I am qualified to vote for candidates for federal office in the town 344 of ...., Connecticut, at the federal election to be held on ...., 20...
- 345 (2) I have not applied, nor do I intend to apply, for a ballot to vote 346 for candidates for federal office at said election from any other town, 347 city or county in Connecticut or in any other state or election district of 348 any state or territory or any territory or possession of the United States.
- 349 (3) I have not voted, and I will not vote otherwise than by this ballot in said federal election.
- 351 Dated at ...., this .... day of ...., 20...
- 352 .... (Signature of overseas elector)
- Sec. 9. Section 9-158g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):
  - The voter shall sign the certification upon the inner envelope, securely seal it, enclose it in an outer serially-numbered envelope, and return it to the [municipal clerk] town clerk or registrars of voters, as applicable, of the town in which [he] the voter is qualified to vote. [The clerk shall keep it in his office until delivered by him to the registrars of voters at the same time and in the same manner as is provided for absentee ballots.] If the ballot is returned by a person other than the voter or the United States Postal Service, the person delivering the ballot shall sign his or her name and address and the date and time of its delivery on the outer envelope in the [clerk's] town clerk's or registrars of voters', as applicable, presence. The ballot, to be cast, shall be returned so that it is received by the town clerk or registrars of voters, as applicable, not later than the close of the polls on the day of the election or primary.
- Sec. 10. Section 9-158h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

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The [clerk] registrars of voters shall prepare and keep open to public inspection a list of all persons who have applied under sections 9-158a to 9-158m, inclusive, to vote as presidential voters or overseas electors with their names, voting addresses and application dates together with the serial number of the return envelopes issued, and shall maintain an alphabetical index of the list for a period of one hundred eighty days after the election or primary. The town clerk shall provide any information concerning overseas electors that the registrars of voters require to prepare such list.

Sec. 11. Section 9-158i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

The Secretary of the State shall prepare, print and distribute to the town clerk <u>and registrars of voters</u>, as appropriate, in each town in this state, a sufficient number of ballots and other necessary forms to be used by the persons eligible to vote for the offices of presidential electors or federal offices under the provisions of sections 9-158a to 9-158m, inclusive. The words "Presidential Ballot" or "Overseas Ballot" shall appear on each such ballot and no such ballot shall afford any opportunity to vote for any office or officer except presidential electors or federal offices. The Secretary of the State may make any changes in any forms prescribed by, or provided for, in said sections which, in the opinion of the secretary, are necessary to cause said forms to conform to the provisions of applicable federal law.

Sec. 12. Section 9-158j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

[Upon receipt of an application for a "Presidential Ballot" or "Overseas Ballot" the town clerk shall forthwith notify the registrars of voters of the applicant's name, with a notation designating him as a person voting for presidential and vice-presidential electors or federal offices only. If the name of a presidential voter who is a former resident appears on the registry list, the registrars shall insert the letters "pf" in the margin preceding his name. The registrars shall

prepare a list of names and addresses of presidential voters and overseas electors whose names do not appear on the registry list, for each voting district, which list shall accompany the check list to be used at such election in such district. The registrars shall insert the letters "pf" in the margin of such list of presidential voters preceding the name of each applicant who is a former resident.]

- 409 (a) Upon receipt of a "Presidential Ballot", the registrars of voters
  410 shall insert the letters "pf" in the margin of the registry list preceding
  411 the elector's name and address.
- (b) Upon receipt of an "Overseas Ballot", the town clerk shall compile a list of those electors whose names do not appear on the registry list for each voting district. Such list shall accompany the official check list to be used at such election or primary where such ballots shall be counted in the district or central counting.
- Sec. 13. Section 9-158*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):
  - Any person wilfully making a false statement on any statement required by sections 9-158a to 9-158m, inclusive, to be made in the form of an affidavit or a statement under penalties of false statement in absentee balloting, shall be subject to the penalties imposed by law for such statements. If any public official wilfully refuses or neglects to perform any of the duties prescribed by sections [9-140b, 9-140c and] 9-158a to 9-158m, inclusive, or violates any of the provisions of said sections, [he] such official shall be subject to the penalties imposed by law.
- Sec. 14. (NEW) (*Effective October 1, 2009*) Not later than February 1, 2010, the Secretary of the State shall report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to elections on the administration of election day registration. Such report shall address any issues or concerns regarding the administration of election day registration during the November, 2009 municipal election,

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435 including, but not limited to, ballot security and privacy. The Secretary 436 of the State, in consultation with the State Elections Enforcement 437 Commission, shall conduct interviews with registrars of voters, poll 438 workers and candidates from municipalities with small, medium and 439 large populations in order to determine the efficacy of election day 440 registration and include any concomitant observations and results in 441 such report, including, but not limited to, ways in which ballot security 442 and privacy on primary day can be enhanced.

Sec. 15. Section 9-158k of the general statutes is repealed. (*Effective October 1, 2009*)"

This act shall take effect as follows and shall amend the following					
sections:					
Section 1	October 1, 2009	New section			
Sec. 2	October 1, 2009	9-17			
Sec. 3	October 1, 2009	9-158a			
Sec. 4	October 1, 2009	9-158b(a)			
Sec. 5	October 1, 2009	9-158c(a) and (b)			
Sec. 6	from passage	9-158d(a)			
Sec. 7	from passage	9-158e(a)			
Sec. 8	October 1, 2009	9-158f			
Sec. 9	October 1, 2009	9-158g			
Sec. 10	October 1, 2009	9-158h			
Sec. 11	October 1, 2009	9-158i			
Sec. 12	October 1, 2009	9-158j			
Sec. 13	October 1, 2009	9-158 <i>l</i>			
Sec. 14	October 1, 2009	New section			
Sec. 15	October 1, 2009	Repealer section			